

IDAHO BOARD OF MORTICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/12/2016

BOARD MEMBERS PRESENT: Craig L Geary - Chair
James H Opdahl
Debbie C Mikesell

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Mitchell Toryanski, Legal Counsel
Joan Callahan, Board Prosecutor
Debbie Sexton, Management Assistant
Erin Anderson, Technical Records Specialist I
Marshall Toryanski

OTHERS PRESENT: Rose Thomas, FCAI President
Sherri Rudai, Treasurer

The meeting was called to order at 9:01 AM MDT by Craig L Geary.

AMEND AGENDA

Mr. Opdahl made a motion to adopt the agenda to include the Board Contract that was added yesterday and to amend the agenda to add a Stipulation and Consent Order that was just received. It was seconded by Ms. Mikesell. Motion carried.

APPROVAL OF MINUTES

Mr. Opdahl made a motion to approve the minutes of 12/3/2015, 1/12/2016, 3/9/2016 and 6/2/2016. It was seconded by Ms. Mikesell. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that any law change proposals would need to be submitted to the Governor's Office by August 1, and any proposed rule changes would need to be submitted by the third week of August for the 2017 Legislature. Discussion of the Board's pending law and rule changes were deferred to later in the meeting under old business.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$23,847.70 as of May 31, 2016.

Ms. Hall also presented the Board's FY 2017 Contract. Mr. Opdahl made a motion to approve the contract and authorize the Chair to sign. It was seconded by Ms. Mikesell. Motion carried.

DISCIPLINE

Ms. Callahan presented a Stipulation and Consent Order in cases MOR-2016-1 and MOR-2016-2 in which a default had been entered. Mr. Opdahl made a motion to set aside the default and to approve the Consent Order, and to allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Mikesell. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Opdahl made a motion to approve the Bureau's recommendation and authorize closure in cases I-MOR-2015-14, I-MOR-2015-15 and I-MOR-2015-16. It was seconded by Ms. Mikesell. Motion carried.

Mr. Opdahl made a motion to approve the Bureau's recommendation and authorize closure in cases I-MOR-2016-1, I-MOR-2016-2, I-MOR-2016-3 and I-MOR-2016-4. It was seconded by Ms. Mikesell. Motion carried.

Mr. Opdahl made a motion to approve the Bureau's recommendation and authorize closure in case I-MOR-2016-7. It was seconded by Ms. Mikesell. Motion carried.

MEMORANDUM

Ms. Peel presented a memorandum to the Board regarding the crematory inspection form. The weight given to each item on the inspection form does not allow the inspector to properly grade the retort if it is in need of repair. If repairs are necessary, a revised inspection form would allow the inspector to grade the retort at a lower grade, requiring the facility to initiate repairs. The facility would also be required to provide an inspection report from the manufacturer or repairman, and a written plan of repair, within sixty days of the inspection. A motion was made by Mr. Opdahl to revise the weight for each item on the inspection form and allow the Board Chair to review and approve the revised form. It was seconded by Ms. Mikesell. Motion carried.

REGULATORY BOARD BRIEFING

Mr. Toryanski discussed with the Board members their role when serving on the Board.

OLD BUSINESS

The Board reviewed the suggested changes to Idaho Code 54-1110 regarding inactive license status. Ms. Mikesell made a motion to submit the proposed law changes to the Governor's Office. It was seconded by Mr. Opdahl. Motion carried. Mr. Geary stated that he would inform the association of the proposed law change.

The Board reviewed the proposed postcard draft informing licensees of the changes to Idaho Code 54-1132. Ms. Mikesell made a motion approving the postcard and authorize the Bureau to send it out. It was seconded by Mr. Opdahl. Motion carried.

NEW BUSINESS

NEXT MEETING DATE

The Board determined the next meeting would be held 1/10/2017 at 9:00 AM MDT.

TEMPORARY RULE

The Board discussed the changes that went into effect July 1, 2016, to Idaho Code 54-1112(4) which amended the Resident Trainee training period from 2 to 3 years and the need to update the rules to comply with the law change. Mr. Opdahl made a motion to submit the proposed temporary rule change to the Governor's Office. It was seconded by Ms. Mikesell. Motion carried.

CORRESPONDENCE

There was no correspondence to review.

EXAM REVIEW/UPDATE

Ms. Anderson requested members of the Board review the current licensure exams for any updates. A motion was made by Mr. Opdahl that he would review the mortician licensure examination and Ms. Mikesell would review the funeral director examination. It was seconded by Ms. Mikesell. Motion carried.

APPLICATION REVISIONS

Mr. Opdahl made a motion to approve the proposed funeral establishment and crematorium application updates. It was seconded by Ms. Mikesell. Motion carried.

ELECTION

Ms. Mikesell made a motion to elect Mr. Opdahl as Board Chair. It was seconded by Mr. Geary. Motion carried

EXECUTIVE SESSION

Mr. Opdahl made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Mikesell. The vote was: Mr. Geary, aye; Mr. Opdahl, aye; and Ms. Mikesell, aye. Motion carried.

Ms. Mikesell made a motion to come out of executive session. It was seconded by Mr. Opdahl. The vote was: Mr. Geary, aye; Mr. Opdahl, aye; and Ms. Mikesell, aye. Motion carried.

MCA/CONTINUING EDUCATION AUDITS AND REINSTATEMENTS

The Board members reviewed and approved the MCA audit, CE audit, and CE for reinstatement.

QUARTERLY REPORT

The Board members reviewed the quarterly report for active Resident Trainee permits. No action was taken.

APPLICATIONS

Mr. Opdahl made a motion to approve the following applicant for a Mortician Resident Trainee permit pending receipt of additional information and review by the Chair:

#901145810

It was seconded by Ms. Mikesell. Motion carried.

Mr. Opdahl made a motion to approve the following applicants for licensure when the state jurisprudence exam is taken and passed, and to approve the following crematorium applicant for licensure once the applicant is inspected and notification of passage is received from the Bureau investigator:

MORA-1433 Lance Gittin
MORA-1428 Tony Lavoy
CREA-1434 Potter Funeral Chapel

It was seconded by Ms. Mikesell. Motion carried.

CONTINUING EDUCATION

Mr. Opdahl made a motion to accept the following CE course:

Understanding Depression and Anxiety 1 hour

It was seconded by Ms. Mikesell. Motion carried.

NEXT MEETING was scheduled for 1/10/2017 9:00 AM MST.

ADJOURNMENT

Ms. Mikesell made a motion to adjourn the meeting at 11:56 AM MDT. It was seconded by Mr. Opdahl. Motion carried.

Craig L Geary, Chair

James H Opdahl

Debbie C Mikesell

Tana Cory, Bureau Chief